

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	§	DOCKET FILE COPY ORIGINAL
	§	
Amendment of Section 2.106 of the	§	ET Docket 95-18
Commission's Rules to Allocate	§	RM-7927
Spectrum at 2 GHz for Use	§	PP-28
by the Mobile-Satellite Service	§	
	§	

PETITION FOR RECONSIDERATION OF
SOUTHWESTERN BELL WIRELESS INC. AND
SOUTHWESTERN BELL MOBILE SYSTEM, INC.

Southwestern Bell Mobile Systems, Inc.¹ and Southwestern Bell Wireless Inc.² (hereinafter referred to jointly as "SWB") file this Petition for Reconsideration in response to the Federal Communications Commission's (hereinafter "Commission") First Report and Order and Further Notice of Proposed Rule Making.³

I. BACKGROUND

In its First Report and Order, the Commission allocated 70 megahertz of spectrum at 1990-2025 MHz and 2165-2200 MHz to the Mobile-Satellite Service ("MSS"), effective January 1, 2000.⁴ Further, the Commission found that it is in the public interest to allocate spectrum at 2 GHz to MSS⁵

¹ Southwestern Bell Mobile Systems, Inc. is a wholly-owned subsidiary of Southwestern Bell Wireless Holdings, Inc. Southwestern Bell Wireless Holdings, Inc. is a wholly-owned subsidiary of SBC Communications Inc.

² Southwestern Bell Wireless Inc. is a wholly-owned subsidiary of Southwestern Bell Mobile Systems, Inc.

³ In the matter of Amendment of Section 2.106 of the Commission's rules to allocate spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, RM-7927, First Report and Order and Further Notice of Proposed Rulemaking (released March 14, 1997) (hereinafter "First Report and Order").

⁴ First Report and Order, para. 1, page 1.

⁵ First Report and Order, para. 13, page 7.

and to allocate the full 70 MHz, rather than a lesser amount because of the projected need for more MSS spectrum internationally.⁶ SWB strongly suggests that the Commission reconsider the allocation of only 40 megahertz at 1990-2010 MHz and 2180-2200 MHz to MSS.

II. THE COMMISSION SHOULD RECONSIDER ALLOCATING ONLY 40 MEGAHERTZ AT 1990-2010 MHz AND 2180-2200 MHz TO MSS

In its initial comments⁷ and reply comments⁸, SWB advocated that the Commission adopt one of its own suggested alternatives, i.e., to allocate only 40 megahertz at 1990-2010 MHz and 2180-2200 MHz⁹. The Commission, however, stating that “any two GHz allocation should be as consistent as possible with the WARC-92 and WARC-95¹⁰ allocations,” found that allocation of 70 MHz would allow the United States to participate in global MSS systems and thereby allow customers to realize the benefits of such systems.¹¹

⁶ First Report and Order, para. 14, page 8.

⁷ COMMENTS OF SOUTHWESTERN BELL MOBILE SYSTEM, INC, filed May 5, 1995.

⁸ REPLY COMMENTS OF SOUTHWESTERN BELL MOBILE SYSTEMS, INC. filed June 21, 1995.

⁹ In the matter of Amendment of Section 2.106 of the Commissions's rules to allocate spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, RM-7927, Notice of Proposed Rulemaking (released January 31, 1995), para. 15, page 7 (hereinafter “NPRM”).

¹⁰ WARC-92 refers to the 1992 World Administrative Radio Conference and WARC-95 refers to the 1995 World Administrative Radio Conference. WARC-95's ultimate reallocation of the 2010-2025 MHz portion to MSS is consistent with SWB's position.

¹¹ First Report and Order, para. 14, page 8.

SWB agrees with the Commission that it is the “public interest” and the “benefits to customers” that should guide the Commission in its decisions regarding allocation of spectrum to MSS. SWB respectfully submits, however, that the allocation of 40 MHz will better serve the public interest and be more beneficial to customers. SWB currently holds licenses in the 2160-2180 MHz bands that are used to interconnect cell sites in rural areas to each other and to the Mobile Telephone Switching Office (MTSO). These interconnections are essential to the provision of cellular service in such areas. The 2 GHz paths provide quality mobile telecommunication service at an affordable price throughout rural America and provide the necessary propagation characteristics needed in rural service areas, i.e., the ability to propagate long distances with minimal interference from terrain and vegetation.

The potential relocation of such 2 GHz paths to higher bands will have a significant and detrimental effect upon rural customers. First, the 2 GHz frequency normally radiates anywhere from 8 to 15 miles farther than higher bands, such as 6 GHz. As a result, because of the shorter distances covered by higher bands, 2 GHz paths may have to be replaced by multiple higher-band paths, requiring the deployment of additional facilities and towers. The additional facilities and towers may translate to higher costs to rural customers.

The relocation of 2 GHz paths to higher-band paths will also have a significant impact on tower loadings and may result in some existing towers becoming obsolete. There are different engineering specifications associated with higher-band towers that will require the purchase of other equipment and the construction of new towers. Further, the owners of leased towers may not be willing to make necessary equipment changes, thus forcing relocation of such facilities, which not only leads to higher costs but also may jeopardize the continuity of cellular service to rural customers.

Further, the Commission recognized the viability of reallocating only 40 megahertz by acknowledging this approach as a legitimate alternative.¹² Although SWB is the only party supporting allocation of less than 70 megahertz to MSS,¹³ the above discussion provides compelling reasons necessitating reconsideration. As the Commission recognizes, the allocation of 70 megahertz is merely based upon a “projected need for more MSS spectrum internationally.”¹⁴ The reallocation of 70 MHz in order to accommodate “projected needs,” needs that may not crystallize, comes with a significant price in the form of a detrimental effect, both financially and in terms of service continuity, upon rural area customers currently receiving cellular service.

Finally, the Commission stated that, “any 2 GHz MSS allocation should be as consistent as possible with WARC-92 and WARC-95 allocations.”¹⁵ The Commission also pointed out that the 40 megahertz at 1990-2010 MHz and 2180-2200 MHz “was allocated world wide at WARC-92”¹⁶ Therefore, reallocation of 40 megahertz as SWB advocates appears to be more consistent with WARC-92 allocations and, therefore, is geared to ensuring universal service in the future and meeting the Commission’s goal.

In sum, the allocation of 70 MHz as the Commission orders will have a detrimental effect upon rural area subscribers, both financially and in terms of continuity of service. The Commission’s goals of benefitting customers, serving public interests and maintaining consistency

¹² NPRM, para. 15, page 7.

¹³ First Report and Order, para. 14, page 8.

¹⁴ First Report and Order, para. 14, page 8 (emphasis added).

¹⁵ First Report and Order, para. 14, page 8.

¹⁶ NPRM, para. 15, page 7.

with WARC-92 and WARC-95 are more readily attainable, we believe, by allocating only 40 megahertz at 1990-2010 MHz and 2180-2200 MHz to MSS.

III. CONCLUSION

For the reasons stated herein, the Commission should reconsider the allocation of only 40 megahertz at 1990-2010 MHz and 2180-2200 to MSS.

Respectfully submitted,

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May 21, 1997

CERTIFICATE OF SERVICE

I, Kenneth L. Judd, hereby certify that I have on this 21st day of May, 1997, caused copies of the foregoing Petition for Reconsideration of Southwestern Bell Wireless Inc., and Southwestern Bell Mobile Systems, Inc. to be delivered via U.S. mail, postage prepaid, or by hand delivery to the following:

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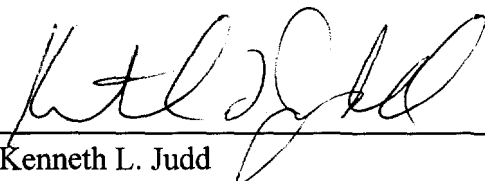
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